

June 18, 2004

Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Support of the National Association of Broadcasters (NAB) Petition filed on April 14, 2004 seeking a Declaratory Ruling on satellite radio's broadcasting of local weather and traffic, and future plans to expand their reach into local radio.  
(Docket No. MB 04-160)

Dear Ms. Dortch:

Emmis Communications Corporation fully supports the NAB petition seeking a Declaratory Ruling on satellite radio's broadcasting of local weather and traffic. It is our understanding when granting licenses for satellite radio, the FCC relied on the express promises by XM Radio Inc. ("XM") and Sirius Radio Inc. ("Sirius") that their service would be national-only and local broadcasters would not be harmed.

Since then XM Radio Inc. and Sirius Satellite Radio Inc. have both launched campaigns to provide subscribers with "localized" instant traffic and weather services in the top twenty-one markets.

Our support for the NAB petition is based upon more than twenty years of experience in the radio business. Today, Emmis owns and operates twenty-seven local radio stations.

Local broadcasters provide an immediate need for local news, traffic and weather services to the surrounding communities especially in times of crisis situations or during severe weather conditions. For example, recently Indianapolis, IN has been affected by severe weather which has caused flooding in Central Indiana. In response to this crisis, WIBC, a local AM station owned by Emmis, has had local reporters covering the flooded areas providing current conditions to motorists. Additionally they have partnered with Central Indiana Salvation Army division to provide relief information and supplies for flood victims. Salvation Army representatives have been interviewed on site as well as in our studios.

Compared to XM Radio coverage, local broadcasters provide more accurate and current information regarding not only severe local conditions but general news services including school and community closings, and local political coverage to name a few.

Local stations continue to provide community services which benefit the needs of listeners in the broadcast area, which XM Radio can not meet as a national service. For the past ten years, KTAR, an AM station licensed to Phoenix, AZ, has made the conscious effort to educate the Phoenix community about pool safety. A majority of homeowners in Phoenix have backyard pools and the drowning incidence rate continued to rise. In response, KTAR addressed the local issue by creating and providing Public Service Announcements titled "2 Seconds is Too Long" educating pool owners that turning your back for two seconds could result in death or serious injury. The program is highlighted on all four Phoenix stations now and has been adopted by local TV stations and newspapers in the community.

Local services such as the ones I have mentioned could be threatened if XM Radio Inc. and Sirius Radio Inc, national services, are not regulated. Without FCC intervention, two companies, with 120 channels each will enter into every market and try to copy what local broadcasters like Emmis have achieved over the past twenty years.

I hope that you find this information useful.

Respectfully Submitted,

/s/

Jeffrey H. Smulyan,  
Chairman and Chief Executive Officer





